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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,151	04/18/2001	Paul E. Bender	QCPA655C1B1	7745
23696	7590	05/12/2006	EXAMINER	
QUALCOMM, INC			NGUYEN, BRIAN D	
5775 MOREHOUSE DR.			ART UNIT	
SAN DIEGO, CA 92121			PAPER NUMBER	
			2616	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,151

Applicant(s)

BENDER ET AL.

Examiner

Brian D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 12-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Baker et al (5,490,139).

Regarding claim 12, Baker discloses a method for data flow control in a distributed data communication system, comprising: receiving at a router (bridge in figure 1) data intended for a remote user (mobile unit 22); and transmitting the received data to a foreign agent, the foreign agent being co-located with a network access point (21), whereby the foreign agent de-capsulates the data (see col. 3, lines 33-40 and 51-53 where one of the access point (21) functions is to perform de-capsulating as the foreign agent claimed in claim 12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Admitted Prior Art (APA) (paragraph 0010 of the specification).

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Regarding claim 13, Baker discloses encapsulating but does not specifically disclose a home agent encapsulates the data destined to a current care-of-address of the remote user.

However, this feature is well known in the art. The APA discloses the home agent performs encapsulating (see paragraph 0010). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to encapsulate the data by the home agent as taught by the APA in the system of Baker in order to protect the data for transmission.

5. Claims 14-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) (Background Art and figures 1 and 2) in view of Kubler et al (6,389,010).

Regarding claims 14-15 and 18, the APA discloses a method for data flow control in a distributed data communication system, comprising: receiving at two or more network access points (NAP-13 and NAP-21) data intended for a remote user (112); and transmitting from the two or more network access points the received data to the remote user under control of a control point (122, 222), the control point controlling the remote user's transmit power (see, for example, paragraph 0005). The APA does not specifically disclose the control point being co-located with one of the network access points. However, Kubler discloses the control point can be co-located with one of the network access points (see col. 11, lines 55-56 and col. 24, lines 61-62).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to locate the control point at the access point as taught by Kubler in the system of the APA in order to meet the design criteria of a particular implementation.

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Regarding claims 16 and 20, the APA further discloses transferring control from one control point to another (see control can be passed from first control point to second control point in paragraph 0007).

Regarding claims 17 and 21, the APA does not specifically disclose the second control point is co-located with one of the two or more network access points. However, Kubler discloses the control point can be co-located with one of the network access points (see col. 11, lines 55-56 and col. 24, lines 61-62). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to locate the control point at the access point as taught by Kubler in the system of the APA in order to meet the design criteria of a particular implementation.

Response to Arguments

6. Applicant's arguments with respect to claims 12-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7. Claims 9-11 and 22-23 are allowed.

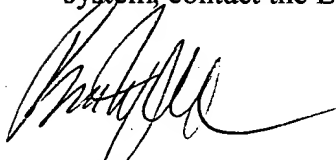
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



5/8/06

BRIAN NGUYEN
PRIMARY EXAMINER